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Fordon teaches away from any type of releasable attachment of frames 9, 13. It is an object of Fordon's invention to have walls which swing outwardly to an inclined nesting position, and straps 22 provide the *non-releasable attachment* between frames 9 and 13 required to limit the outward movement of frames 9, 13 and create a stable nesting position so that Fordon's container can support an upper like container therein in a nested configuration (*see* Fordon, col. 2, lines 47-51; FIG. 6).

Furthermore, with respect to claim 24 (Group D), Fordon teaches away from the use of a releasable flange connection on frames 9 or 13 in place of non-releasable straps 22. First, a flange and its latch-type connection would not limit the outward swing of frames 9, 13 and therefore not provide any nesting capability for Fordon's containers. Even if a limited outward swing of frames 9, 13 were assumed, inwardly depending flanges provided on end frames 13 would prohibit nesting of Fordon's containers, as the end frames 13 of the upper container would no longer abut the end frames 13 of the lower container as shown in FIG. 6, but rather bottom frame 1 would likely abut the inwardly depending flanges such that an upper container could not be substantially received in a lower container in a nested configuration.

For all of the foregoing reasons, independent claims 1 (Group C) and 24 (Group D), along with their corresponding dependent claims, are patentably distinguishable over the combination of the Fordon and Overholt references. Because Group D recites a collapsible container where the first pair of opposed walls include a flange depending inwardly therefrom, which is not recited by the claims of Group C, the claims of Group D are patentable independently of the claims of Group C.

D. Rejection of Claim 15
Under 35 U.S.C. § 103(a) Over Cloyd and Sanders

Claim 15 depends from and contains all the limitations of independent claim 14.

For the reasons described above in *Section B*, claim 14 is believed to be patentably

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EXHIBIT D
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distinguishable over Cloyd, either alone or in combination with Sanders. Accordingly, claim 15 is patentably distinguishable over the cited combination.

E. Rejection of Claim 16

Under 35 U.S.C. § 103(a) Over Cloyd, Sanders, and Fordon

Claim 16 depends from and contains all the limitations of independent claim 14.

For the reasons described above in *Section B*, claim 14 is believed to be patentably distinguishable over Cloyd, either alone or in combination with Sanders and Fordon. Accordingly, claim 16 is patentably distinguishable over the cited combination.